

**DEPARTMENT OF FOOD AND AGRICULTURE
MILK AND DAIRY FOOD SAFETY BRANCH
PROPOSED REGULATIONS
ULTRA-FILTERED MILK PRODUCTS
MODIFIED TEXT**

LEGEND FOR MODIFIED TEXT	
<ul style="list-style-type: none">• <u>Single underline</u> is text that was noticed to the public for a 45-day written comment period, and the comment period closed on January 11, 2016.• The modified text is shown in <u>double underline</u> for added text and <u>single underline</u> and strikeout for deleted text.	All written comments must only address the modified text.

The Department of Food and Agriculture, Milk and Dairy Food Safety Branch, proposes to adopt sections 450, 450.1, 450.2, 450.3, 450.4, 451 and 452 of Article 7, Chapter 1, Division 2 of Title 3 of the California Code of Regulations, as modified, to read as follows:

Section 450. Ultra-Filtered Milk Products.

(a) Ultra-filtered milk products are market milk products resulting from the filtration of milk to alter the relative quantities of milk solids not fat components, including proteins, lactose, and minerals.

(b) Except as otherwise provided in this article, ultra-filtered milk products shall meet all standards and requirements that are specified in Division 15 (commencing with section 32501) of the Food and Agricultural Code for market milk.

(c) Ultra-filtered milk products shall be labeled in accordance with the applicable provisions of Title 21 of the Code of Federal Regulations.

NOTE: Authority cited: Sections 407, 36601 and 36637, Food and Agricultural Code. Reference: Sections 32912, 32912.5, 36631, 36632 and 36633, Food and Agricultural Code.

Section 450.1. Ultra-Filtered Milk.

Ultra-filtered milk shall contain not less than 3.5 percent of milkfat and not less than 8.7 percent milk solids not fat. The minimum percentages of milkfat and milk solids not fat required by this section may vary by an amount no greater than 0.1 of 1 percent, provided that the total combined percentages of milkfat and milk solids not fat, at the time of delivery to the consumer, shall equal or exceed 12.2 percent. However, when lactose has been completely or partially removed by filtration the total milk solids and the milk solids not fat percentages may be reduced by no more than the percentage of lactose removed. The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the ultra-filtered milk with a milk nutrition label. It shall be labeled "ultra-filtered milk."

NOTE: Authority cited: Sections 407, 36601 and 36637, Food and Agricultural Code. Reference: Sections 32912 and 36633, Food and Agricultural Code.

Section 450.2. Reduced-Fat Ultra-Filtered Milk.

Reduced-fat ultra-filtered milk shall contain not less than 1.9 percent milkfat, not more than 2.1 percent milkfat, and not less than 10 percent of milk solids not fat, ~~provided except~~ that when lactose has been completely or partially removed by filtration the milk solids not fat percentage may be reduced by no more than the percentage of lactose removed. ~~The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the reduced-fat ultra-filtered milk with a reduced-fat milk nutrition label.~~ It shall be labeled “reduced-fat ultra-filtered milk.”

NOTE: Authority cited: Sections 407, 36601 and 36637, Food and Agricultural Code. Reference: Sections 32912 and 36633, Food and Agricultural Code.

Section 450.3. Lowfat Ultra-Filtered Milk.

Lowfat or light (lite) ultra-filtered milk shall contain not less than 0.9 percent milkfat, not more than 1.1 percent milkfat, and not less than 11 percent of milk solids not fat ~~provided except~~ that when lactose has been completely or partially removed by filtration the milk solids not fat percentage may be reduced by no more than the percentage of lactose removed. ~~The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the lowfat or light (lite) ultra-filtered milk with a lowfat or light (lite) milk nutrition label.~~ It shall be labeled “lowfat ultra-filtered milk”, “light ultra-filtered milk” or “lite ultra-filtered milk”.

NOTE: Authority cited: Sections 407, 36601 and 36637, Food and Agricultural Code. Reference: Sections 32912 and 36633, Food and Agricultural Code.

Section 450.4. Nonfat Ultra-Filtered Milk.

Nonfat, skim or fat-free ultra-filtered milk shall contain not more than twenty hundredths of 1 percent of milkfat and not less than 9 percent of milk solids not fat, ~~provided except~~ that when lactose has been completely or partially removed by filtration the milk solids not fat percentage may be reduced by no more than the percentage of lactose removed. ~~The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the nonfat, skim or fat-free ultra-filtered milk with a nonfat, skim or fat-free milk nutrition label.~~ It shall be labeled “nonfat ultra-filtered milk”, “skim ultra-filtered milk” or “fat-free ultra-filtered milk”.

NOTE: Authority cited: Sections 407, 36601 and 36637, Food and Agricultural Code. Reference: Sections 32912 and 36633, Food and Agricultural Code.

Section 451. Flavored Ultra-Filtered Milk Products.

(a) Flavored ultra-filtered milk shall contain not less than 3.25 percent milkfat and not less than 8.7 percent milk solids not fat. However, when lactose has been completely or partially removed

by filtration the total milk solids and milk solids not fat percentages may be reduced by no more than the percentage of lactose removed. The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the flavored ultra-filtered milk with a flavored milk nutrition label.

(b) Flavored reduced-fat ultra-filtered milk shall contain not more than 2.1 percent milkfat and not less than 10 percent milk solids not fat, provided except that when lactose has been completely or partially removed by filtration the milk solids not fat percentage may be reduced by no more than the percentage of lactose removed. The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the flavored reduced-fat ultra-filtered milk with a flavored reduced-fat milk nutrition label.

(c) Flavored lowfat or light (lite) ultra-filtered milk shall contain not more than 1.2 percent milkfat and not less than 11 percent milk solids not fat, provided except that when lactose has been completely or partially removed by filtration the milk solids not fat percentage may be reduced by no more than the percentage of lactose removed. The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the flavored lowfat ultra-filtered milk with a flavored lowfat milk nutrition label.

(d) Flavored nonfat, skim or fat-free ultra-filtered milk shall contain not more than twenty hundredths of 1 percent of milkfat and not less than 9 percent milk solids not fat, provided except that when lactose has been completely or partially removed by filtration the milk solids not fat percentage may be reduced by no more than the percentage of lactose removed. The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the flavored nonfat, skim or fat-free ultra-filtered milk with a flavored nonfat, skim or fat-free milk nutrition label.

(e) Flavored ultra-filtered milk products shall be labeled with the respective product name described in sections 450.1 through 450.4 of this article preceded by the term "flavored." The principal flavor may be substituted for the word "flavored" in the name of the product (for example, "chocolate nonfat ultra-filtered milk"). Flavored ultra-filtered milk products shall be so colored or contain ingredients that cause them to differ distinctly from milk in appearance and other characteristics.

NOTE: Authority cited: Sections 407, 36601 and 36637, Food and Agricultural Code. Reference: Sections 32912 and 36633, Food and Agricultural Code.

Section 452. UHT Ultra-Filtered Milk Products.

(a) Ultra-filtered milk products may be aseptically processed and packaged such that they would be UHT milk products.

(b) UHT ultra-filtered milk shall contain not less than 3.25 percent milkfat and not less than 8.25 percent milk solids not fat, provided except that when lactose has been completely or partially removed by filtration the milk solids not fat percentage may be reduced by no more than the percentage of lactose removed. The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the UHT ultra-filtered milk with a UHT milk nutrition label.

(c) UHT reduced-fat ultra-filtered milk shall contain not more than 2.1 percent milkfat and not less than 8.25 percent milk solids not fat, ~~provided except~~ that when lactose has been completely or partially removed by filtration the milk solids not fat percentage may be reduced by no more than the percentage of lactose removed. ~~The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the UHT reduced-fat ultra-filtered milk with a UHT reduced-fat milk nutrition label.~~

(d) UHT lowfat or light (lite) ultra-filtered milk shall contain not more than 1.2 percent milkfat and not less than 8.25 percent milk solids not fat, ~~provided except~~ that when lactose has been completely or partially removed by filtration the milk solids not fat percentage may be reduced by no more than the percentage of lactose removed. ~~The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the UHT lowfat or light (lite) ultra-filtered milk with a UHT lowfat or light (lite) milk nutrition label.~~

(e) UHT nonfat, skim or fat-free ultra-filtered milk shall contain not more than twenty hundredths of 1 percent ~~of~~ milkfat and not less than 8.25 percent milk solids not fat, ~~provided except~~ that when lactose has been completely or partially removed by filtration the milk solids not fat percentage may be reduced by no more than the percentage of lactose removed. ~~The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the UHT nonfat, skim or fat-free ultra-filtered milk with a UHT nonfat, skim or fat-free milk nutrition label.~~

(f) UHT flavored ultra-filtered milk shall contain not less than 3 percent milkfat and not less than 8.25 percent milk solids not fat, ~~provided except~~ that when lactose has been completely or partially removed by filtration the ~~total~~ milk solids not fat percentage may be reduced by no more than the percentage of lactose removed. ~~The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the UHT flavored ultra-filtered milk with a UHT flavored milk nutrition label.~~

(g) UHT flavored reduced-fat ultra-filtered milk shall contain not more than 2.1 percent milkfat and not less than 8.25 percent milk solids not fat, ~~provided except~~ that when lactose has been completely or partially removed by filtration the milk solids not fat percentage may be reduced by no more than the percentage of lactose removed. ~~The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the UHT flavored reduced-fat ultra-filtered milk with a UHT flavored reduced-fat milk nutrition label.~~

(h) UHT flavored lowfat or light (lite) ultra-filtered milk shall contain not more than 1.2 percent milkfat and not less than 8.25 percent solids not fat, ~~provided except~~ that when lactose has been completely or partially removed by filtration the milk solids not fat percentage may be reduced by no more than the percentage of lactose removed. ~~The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the UHT flavored lowfat ultra-filtered milk with a UHT flavored lowfat milk nutrition label.~~

(i) UHT flavored nonfat, skim or fat-free ultra-filtered milk shall contain not more than twenty hundredths of 1 percent ~~of~~ milkfat and not less than 8.25 percent ~~of~~ milk solids not fat, provided that

when lactose has been completely or partially removed by filtration the milk solids not fat percentage may be reduced by no more than the percentage of lactose removed. The degree to which the lactose is reduced will be determined by comparing the nutrition panel on the UHT flavored nonfat, skim or fat-free ultra-filtered milk with a UHT flavored nonfat, skim or fat-free milk nutrition label.

(i) UHT flavored ultra-filtered milk products shall be labeled with the respective product name described in sections 450.1 through 450.4 of this article, preceded by the term “UHT” and by the term “flavored” as applicable. The principal flavor may be substituted for the word “flavored” in the name of the product (for example, “UHT chocolate lowfat ultra-filtered milk”). Notwithstanding other provisions of Food and Agricultural Code section 39715, the term “ultra-filtered” may be used in lieu of the term “modified” in the product name. UHT flavored ultra-filtered milk products shall be so colored or contain ingredients that cause them to differ distinctly from milk in appearance and other characteristics.

NOTE: Authority cited: Sections 407, 36601 and 36637, Food and Agricultural Code. Reference: Sections 32912, 36633 and 39701, Food and Agricultural Code.

April 2016